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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/610,685	07/01/2003	William J. Schimmels	084586-9005-00	2939
23409	7590	12/01/2004	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202				NGUYEN, PHONG H
ART UNIT		PAPER NUMBER		
		3724		

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/610,685	SCHIMMELS, WILLIAM J.
	Examiner	Art Unit
	Phong H Nguyen	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 19-21 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 and 13-18 is/are rejected.
- 7) Claim(s) 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/13/2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Applicant's election without traverse of Group I, claims 1-18, in the reply filed on 08/23/2004 is acknowledged.

***Claim Objections***

2. Claim 10 is objected to because of the following informalities: in line 4, "o" should be likely --of--. Appropriate correction is required. Applicant is required to check all grammatical errors in the Claim section.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "the carriage supports an other of the first pair of the opposable cutting dies for movement with the carriage along a first cutting path" in lines 2-4. It is unclear whether Applicant refers to a first carriage or a second carriage. Thus, claim 13 and its dependent claims are rejected as best understood by the Examiner.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (US Pub. 2003/0070515), hereinafter Huang.

Regarding claim 1, Huang teaches blind trimming apparatus comprising:

a frame;  
a first pair of opposable cutting dies (65, 35/36), at least one of which is moveable relative to the frame between a retracted position, in which the first pair of opposable cutting dies are spaced apart, and an extended position, in which the first pair of opposable cutting dies are shearingly engageable;  
a second pair of opposable cutting dies (50, 51), at least one of which is moveable relative to the frame between a retracted position, in which the second pair of opposable cutting dies are spaced apart, and an extended position, in which the second pair of opposable cutting dies are shearingly engageable and spaced from the first pair of opposable cutting dies when the first pair of opposable cutting dies are in the extended position; and  
a carriage (47, 67) supported by the frame and supporting the second pair of opposable cutting dies, the carriage being moveable (see paragraph [0028]) with respect to the first pair of opposable cutting dies to vary the distance between

the first pair of opposable cutting dies in the extended position and the second pair of opposable cutting dies in the extended position.

See Figs. 1-5.

Regarding claims 2 and 3, a third pair of opposable cutting dies (60, 40) is best seen in Figs. 1-5.

Regarding claim 6, a frame 25 for supporting the first pair of cutting dies and the carriage 67 for supporting the first pair of cutting dies are best seen in Fig. 1 and 3.

Regarding claim 7, the cutting die 50 is pivotable relatively to the carriage 47.

See Figs. 4 and 5 and paragraph [0028].

6. Claims 1, 4 and 5 rejected under 35 U.S.C. 102(e) as being anticipated by Huang.

Regarding claim 1, Huang teaches blind trimming apparatus comprising:

a frame;

a first pair of opposable cutting dies (60, 40), at least one of which is moveable relative to the frame between a retracted position, in which the first pair of opposable cutting dies are spaced apart, and an extended position, in which the first pair of opposable cutting dies are shearingly engageable;

a second pair of opposable cutting dies (50, 51 and 65, 35/36), at least one of which is moveable relative to the frame between a retracted position, in which the second pair of opposable cutting dies are spaced apart, and an extended position, in which the second pair of opposable cutting dies are shearingly engageable and spaced from the first pair of opposable cutting dies when the first pair of opposable cutting dies are in the extended position; and

a carriage 47 supported by the frame and supporting the second pair of opposable cutting dies (50, 51), the carriage being moveable (paragraph [0028]) with respect to the first pair of opposable cutting dies to vary the distance between the first pair of opposable cutting dies in the extended position and the second pair of opposable cutting dies in the extended position.

See Figs. 1-5.

Regarding claim 4, a first shuttle 46 is best seen in Figs. 1-5 and paragraph [0028].

Regarding claim 5, a second shuttle 67 is pivotably connected to the first shuttle 46 through gear and drive system and supports an other of second pair of opposable cutting dies (65, 35/36). See Figs. 1-5 and paragraph [0029].

7. Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang.

Regarding claim 1, Huang teaches blind trimming apparatus comprising:

a frame (the base of the blind trimming device);  
a first pair of opposable cutting dies (50, 51), at least one of which is moveable relative to the frame between a retracted position, in which the first pair of opposable cutting dies are spaced apart, and an extended position, in which the first pair of opposable cutting dies are shearingly engageable;  
a second pair of opposable cutting dies (65, 35/36), at least one of which is moveable relative to the frame between a retracted position, in which the second pair of opposable cutting dies are spaced apart, and an extended position, in which

which the second pair of opposable cutting dies are shearingly engageable and spaced from the first pair of opposable cutting dies when the first pair of opposable cutting dies are in the extended position; and

a carriage 67 supported by the frame and supporting the second pair of opposable cutting dies, the carriage being moveable with respect to the first pair of opposable cutting dies to vary the distance between the first pair of opposable cutting dies in the extended position and the second pair of opposable cutting dies in the extended position.

See Figs. 1-5.

Regarding claim 8, a guide rail 55 is best seen in Figs. 2 and 3.

8. Claims 9-11 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang.

Regarding claims 9-11, Huang teaches a blind trimming device including a frame, a first pair of cutting dies (65, 35/36), a second pair of cutting dies (50, 51), a third pair of cutting dies (60, 40), a carriage 47 and a first shuttle 46. See Figs. 1-5.

Regarding claim 13, a frame (a vertical frame 25 and a guide rail 55) supporting the first pair of cutting dies is best seen Figs. 2 and 3.

Regarding claim 14, see paragraph [0028].

Regarding claim 15, a guide rail 55 is best seen in Figs. 2 and 3.

9. Claims 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang. Regarding claim 16, Huang teaches a blind trimming device including:

a frame 25 supporting one of a first pair of opposable cutting dies (60, 40); and

a carriage (46 and the back wall of element 55 that is against the frame 25) supporting a second pair of opposable cutting dies (50, 51) and an other of the first pair of opposable cutting dies for sliding movement relative to the frame and along a first cutting path, one of the second pair of opposable cutting dies 50 being pivotable relative to the carriage 46 and being moveable along a second cutting path to engage an other of the second pair of opposable cutting dies.

See Figs. 1-5.

Regarding claim 17, a second carriage 67 slideably connected to the frame and moveable along a third cutting path, the second carriage being engageable with the one of the second pair of opposable cutting dies to move the one of the second pair of opposable cutting dies along the second cutting path is best seen in Figs. 1-5

Regarding claim 18, a third pair of opposable cutting dies (65, 35/36) and the second carriage supports 67 an other of the third pair of opposable cutting dies are best seen in Figs. 1-5.

#### *Allowable Subject Matter*

10. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN: *mw*

November 24, 2004

*Timothy V. Eley*  
Primary Examiner